



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:23.02.2021

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P. (MD)Nos.9102 and 9103 of 2016

and

W.M.P. (MD) .Nos.7243 and 7244 of 2016

Dr.A.Jegan ... Petitioner in W.P.(MD).No.9102 of2016

Dr.R.Karthik Deivanaya ... Petitioner in W.P.(MDNo.9103 of 2016

Vs.

1.The Medical Counselling Committee
represented by the Director General of Health Services,
Ministry of Health and Family Welfare,
Nirman Bhawan, C- Wing,
New Delhi-110001.

2.State of Tamil Nadu
represented by its Principal Secretary,
Department of Health and Family Welfare,
Fort. St. George, Chennai-9.

3.The Director of Medical Education,
O/o. the Director of Medical Education,
162, EVR Periyar Salai,
Kilpauk, Chennai-10.

... Respondents in both W.Ps.

Prayer in W.P. (MD).No.9102 of 2016: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent Nos.1 and 3 to allot one seat to the petitioner in any of the following Post Graduate Degree courses such as MD (General Medicine), MD (Pediatrics), MD (Dermatology), MD (Radiology), MD (Psychiatry), MD (Tuberculosis and Chest Diseases) and one seat in Diploma Courses such as Diploma in Medical Radio Diagnosis, Diploma in Dermatology, Diploma in Child Health, Diploma in Physiological Medicine, Diploma in Tuberculosis and Chest Diseases, Diploma in Diabetology among the seats proposed to be surrendered to the State of Tamil Nadu on 10.05.2016, after the second round of All India Counselling within the time stipulated by this Court.

Prayer in W.P. (MD).No.9103 of 2016: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent Nos.1 and 3 to allot one seat to the petitioner in any of the following Post Graduate Degree courses such as MD (Psychiatry), MD (Tuberculosis and Chest Diseases), MD (General Medicine) among the seats proposed to be surrendered to the State of Tamil Nadu on 10.05.2016, after the second round of All



India Counselling within the time stipulated by this Court.

For Petitioners : Mr.T.Lajapathi Roy

For R1 : No appearance

For R2 and R3 : Mr.D.Muruganantham

Additional Government Pleader

C O M M O N O R D E R

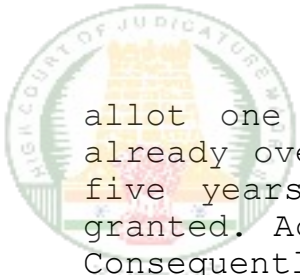
These writ petitions have been filed for a direction to the respondents 1 and 3 to allot one seat to each of the writ petitioners in any of the Post Graduate Degree courses proposed to be surrendered to the State of Tamil Nadu on 10.05.2016, after the second round of All India Counselling, within the time stipulated by this Court.

2. The case of the petitioners is that they have been successfully declared as qualified in the National Eligibility cum Entrance Test - Post Graduate 2013 and the petitioner in W.P.(MD). No.9102 of 2016 secured 38.7615 marks and the petitioner in W.P.(MD).No.9103 of 2016 secured 56.3268 marks and they were placed in All India Merit Position / Rank Nos.55198 and 39381 respectively and they belong to Other Backward Class category and their merit position in the Other Backward Class category are 17055 and 12224. Though the petitioners are eligible to be allotted in the said category, they were not allotted. Hence, the present writ petitions have been filed with the aforesaid prayer.

3. The learned Additional Government Pleader appearing for the respondents has filed a counter and would submit that the petitioners have not written the Entrance Examination conducted by the State of Tamil Nadu for admission to Post Graduate Course for the year 2013-2014 and they had written the Tamil Nadu Post Graduate Entrance Examination 2016-2017 and secured higher marks. He would further submit that as per Clause 29 of the Prospectus for admission to Post Graduate Degree / Diploma Courses 2016 - 2017 Session, candidates seeking admission should write the Tamil Nadu Post Graduate Entrance Examination conducted by the Selection Committee in that academic year only. He would also submit that as per the order of the Hon'ble Supreme Court in W.P.(C).No.76 of 2015, the counselling for admission to Post Graduate Courses for 50% of All India Quota and 50% of State Quota Seats for the academic Session 2016 - 2017 was already completed and no further admission can be made for this academic year 2016 - 2017.

4. A perusal of the counter affidavit reveals that as per Clause 29 of the Prospectus for admission to Post Graduate Degree / Diploma Courses 2016 - 2017 Session, candidates seeking admission should write the Tamil Nadu Post Graduate Entrance Examination conducted by the Selection Committee in that academic year only. Since the petitioners have not participated in the Entrance Examination conducted by the State of Tamil Nadu for admission to Post Graduate Course for the year 2013-2014 and for the particular year, the admission itself is over, no further adjudication can be made subsequently.

5. In view of the above, in the absence of any interim order, the Court cannot issue any direction to the respondents 1 and 3 to



allot one seat to each of the petitioners and the admission is already over and no seat is available as of now and after lapse of five years, the prayer sought for by the petitioners cannot be granted. Accordingly, these Writ Petitions are dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

1.The Medical Counselling Committee
represented by the Director General of Health Services,
Ministry of Health and Family Welfare,
Nirman Bhawan, C- Wing,
New Delhi-110001.

2.The Principal Secretary,
State of Tamil Nadu,
Department of Health and Family Welfare,
Fort. St. George, Chennai-9.

3.The Director of Medical Education,
O/o. the Director of Medical Education,
162, EVR Periyar Salai,
Kilpauk, Chennai-10.

+2 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-6864&6865[F] dated
24/02/2021

+1 CC to SPL GOVT PLEADER, (SR-6970[F] dated 24/02/2021)

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RK (24.04.2021) 3P 7C